

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MEMORANDUM

Honorable John A. Mendez
Senior United States District Judge
Sacramento, California

RE: Jose Luis Sanchez
Docket Number: 2:21CR00097-01
Third Party Employment Notifications

Your Honor:

This Memorandum is being submitted to provide background information regarding Mr. Sanchez's conduct while on supervision and the need for a court date before Your Honor to discuss potential third party employment related notifications.

On November 1, 2018, Jose Luis Sanchez was convicted of Access with Intent to View Child Pornography, in violation of 18 U.S.C. 2552(a)(5)(B), in the District of Idaho. He was sentenced to 30 months imprisonment, followed by 10 years of Supervised Release.

Mr. Sanchez' term of Supervised Release commenced January 21, 2021, in the Eastern District of California. Jurisdiction was transferred from the District of Idaho to the Eastern District of California on May 20, 2021.

Mr. Sanchez has been participating in sex offender counseling since approximately February 2021. Since then, Mr. Sanchez has participated in five polygraph examinations. He has had significant responses indicating dishonesty on all five, specifically on questions related to the use of unauthorized electronic devices. Most notably, in his December 7, 2022, polygraph examination, Mr. Sanchez made several concerning admissions regarding his use of multiple computers at work. Specifically, he told the polygrapher he used a desktop computer assigned to administrative staff at work when the staff member was off from work. He cited the catalyst for his use was his need to access files on the computer he believed he could only access from that specific computer. He later learned he could access the same files from his designated work computer. I took over temporary supervision of Mr. Sanchez' case in June 2023. When this admission was brought to my attention and discussed with Mr. Sanchez, he was very defensive and provided a different story. He indicated the administrative staff left the company and he had to cover the front desk,

as such, he had to use the computer. He did not seek permission or notify his assigned probation officer he had to use another computer as required by his conditions of supervision.

Additionally, during the same polygraph examination, Mr. Sanchez told the polygrapher he used incognito browsing to conceal his online activity when using his work computer for personal online activity. He also told the polygrapher he had use of an assigned desktop computer at his place of employment that was not monitored.

It is respectfully noted, when Mr. Sanchez was permitted to take the job in question at a CPA firm, it was the probation officers' understanding he would have use of one designated computer which would be monitored, pursuant to the employee handbook he provided. This would allow him to work and support his family and provide safeguards from any illicit browsing. As such, he was not required to notify his employer of his sex offense conviction. However, the admissions made during the polygraph examination are concerning. Probation is concerned a third-party employment risk may be present, and his employer needs to be notified of his sex offense conviction. The employer notification is necessary because Mr. Sanchez is using his work computer for personal online activity without permission and using incognito browsing to delete his search history. Probation has no knowledge of what Mr. Sanchez is viewing online.

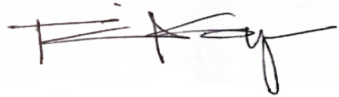
Mr. Sanchez's use of any computer at work, aside from his assigned computer which he has permission to use, is in direct conflict with his special condition that prevents him from possessing or using a computer without prior permission from the probation officer. Furthermore, Mr. Sanchez has a personal laptop which has monitoring software. As such, it is unclear why he would need to use a work computer for personal online activity unless he does not want probation to see what he is viewing. Since the work computer is not monitored by probation, we are unaware of what he is viewing and believe he needs to notify his employer of his sex offense status. The notification will place the employer on notice that Mr. Sanchez should only have access to his sole designated computer. Furthermore, the notification will allow probation to confirm his work computer is monitored. Mr. Sanchez believes if he notifies his employer of his sex offense status he will be terminated. Due to his fear of termination, Court approval for employment notification

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is requested before making a notification which could result in the loss of employment. I consulted defense counsel, and they requested an opportunity to be heard by Your Honor prior to any third-party notification.

Based on the aforementioned information, I am respectfully asking that a hearing be set, at a time and date designated by Your Honor, to address third party risk notifications related to Mr. Sanchez's employment.

Respectfully submitted,



Tanisha M. Sanford
Supervising United States Probation
Officer

Reviewed by,



Sarah R. Johnson
Deputy Chief United States Probation Officer

Dated: September 22, 2023
Roseville, California
TMS

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ORDER OF THE COURT

THE COURT ORDERS:

☒ The Court sets a hearing on this matter on the following date and time:

Date: **October 17, 2023**, in person, before Senior District Judge John A. Mendez.

Time: **09:00 AM**

☐ The Court declines to set a hearing at this time and requests responses by the parties.

☐ Other

Dated: September 25, 2023

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE

CC:

United States Probation

Assistant United States Attorney: TBD

Defense Counsel: TBD